

Message Text

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APPROVED BY: D/LOS:AGJAMES

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FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

C O N F I D E N T I A L STATE 111996

FOLLOWING REPEAT USUN 1817 ACTION SECSTATE 29 APR

QUOTE

C O N F I D E N T I A L USUN 1817

DEPT PLEASE PASS ALL DIPLOMATIC POSTS

FROM LOSDEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: CLASSIFIED SUPPLEMENT TO LOS WEEKLY SUMMARY
ENDING APRIL 23

1. SUMMARY: THERE IS VERY LITTLE CHANGE IN GENERAL
ASSESSMENT OF SITUATION REPORTED LAST WEEK. IN COMMITTEE I
(DEEP SEABEDS) CHAIRMAN ENGO (CAMEROON) BEGAN PROCESS OF
ISSUING, AS CHAIRMANS PAPERS, KEY TEXTS NEGOTIATED IN
SECRET RPT SECRET BRAZIL GROUP. ADDITIONAL PIECES OF
PACKAGE FOR REVISED C-I TEXT WILL APPEAR THIS WEEK AFTER
WHICH COMMITTEE WILL ADJOURN TO ENABLE GROUP OF 77 TO
CONSIDER TEXTS. DEGREE AND SEVERITY OF ACCEPTANCE OR
OPPOSITION IN GROUP WILL AFFECT PROSPECTS FOR ENGO
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STANDING FIRM IN ISSUING NEW TEXT IN ACCORDANCE WITH

COMPROMISES AGREED. IN COMMITTEE II, CHAIRMAN (AGUILAR, VENEZUELA) HAS INDICATED MAJOR SUBSTANTIVE ALTERATIONS IN EXISTING TEXT WILL BE KEPT TO MINIMUM. THIS PROTECT IMPORTANT US INTERESTS, E.G., STRAITS, HOWEVER SOME CHANGES ON ARTICLES AFFECTING STATUS OF THE ECONOMIC ZONE ARE NEEDED. C-III HAS ESSENTIALLY COMPLETED WORK EXCEPT FOR SCHEDULED EFFORT BY CHAIRMAN TO RESOLVE CONTINUING IMPASSE ON SCIENTIFIC RESEARCH. CONTENT OF NEW TEXTS IS FUNDAMENTAL TO QUESTION OF WHAT MAY BE DESIRABLE FUTURE STATUS FOR TEXT AND WHAT IS MEANT BY "FORMALIZATION" PROPOSED BY CONFERENCE PRESIDENT. IN BEST OF CIRCUMSTANCES SOME KEY ISSUES WILL REMAIN TO BE NEGOTIATED WHICH ARGUES FOR CONTINUATION OF INFORMAL AMENDMENT PROCESS. IN VIEW OF EXPECTED DELAYS IN COMMITTEE I TEXT, IT IS NOT CLEAR THAT ALL FOUR REVISED TEXTS WILL BE AVAILABLE IN TIME FOR SECRETARIAT TO PRODUCE A "CONSOLIDATED" TEXT BEFORE END OF SESSION; HENCE REVISED TEXTS MAY CONTINUE INFORMAL NEGOTIATING STATUS BY ANOTHER NAME. FURTHER, IF IMPASSE CONTINUE BETWEEN COASTAL STATES AND LL/GDS AS NOW APPEARS LIKELY THIS WILL ALSO HAVE A BEARING ON THE DESIRABILITY OF VARIOUS ALTERNATIVE CONFERENCE PROCEDURES TO MOVE TEXT FORWARD. OBVIOUSLY MOST DELEGATIONS ARE RESERVING JUDGMENT BOTH ON STATUS OF TEXTS AND DESIRABILITY OF ADDITIONAL CHANGES UNTIL CONTENT OF REVISED TEXTS IS MORE APPARENT. END SUMMARY.

2. COMMITTEE I: (DEEP SEABEDS). C-I MET FOR THREE DAYS, WEEK OF APRIL 19, AND COMPLETED DISCUSSION OF THE REGIME AND THE ASSEMBLY. PACE REMAINS STEADY; HOWEVER, NIGHT MEETINGS MAY BE NECESSARY NEXT WEEK IN ORDER TO CONCLUDE AN ARTICLE BY ARTICLE REVIEW OF SINGLE NEGOTIATING TEXT, ANNEX 1, THE STATUTE OF THE ENTERPRISE AND THE STATUTE OF THE TRIBUNAL. ENGO DISTRIBUTED, AS COMMITTEE WORKING PAPERS, ARTICLE 9, 22, AND ANNEX I ON FRIDAY. THESE TEXTS ARE THE SAME AS THOSE NEGOTIATED IN THE SECRET BRAZIL GROUP. ENGO MADE MINOR DRAFTING CHANGES IN THE TEXT WHICH HE CLEARED WITH THE SECRET BRAZIL GROUP FIRST. ARTICLES 1-20, AS NEGOTIATED IN THE SECRET BRAZIL GROUP, WILL BE DISTRIBUTED BY ENGO AS CONFIDENTIAL

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COMMITTEE WORKING PAPERS ON TUESDAY. AN ENTIRE PACKAGE OF REVISED ARTICLES WILL BE DISCUSSED BY THE GROUP OF 77 IN THEIR MEETINGS ON APRIL 30, MAY 1 AND MONDAY THE LAST WEEK OF THE CONFERENCE. AFTER REVIEWING ALL COMMENTS HE RECEIVES, ENGO WILL ISSUE THE REVISED SNT THE LAST WEEK OF THIS SESSION. THIS WILL HOPEFULLY BE THE SAME TEXT AS AGREED TO BY THE SECRET BRAZIL GROUP.

3. GROUP OF 5 CONTINUED DISCUSSION OF THE QUOTA SYSTEM. POSITIONS OF SOVIETS AND JAPANESE ON QUOTA SYSTEM ARE BECOMING MORE FLEXIBLE ALTHOUGH NEITHER SHOWS SIGNS OF GIVING UP A QUOTA OR ANTI-DOMINANT POSITION ALL TOGETHER. GROUP OF 5 IS FAR FROM RESOLVING THIS ISSUE WHICH HAS, AT TIMES, PLACED THE CONTINUED COORDINATION OF THE GROUP IN C-I IN JAOPARDY. DISCUSSION WILL BE SUSPENDED FOR THE REMAINDER OF THIS SESSION. THE GROUP OF 5 HAS AGREED TO RECOMMEND AN INTERSESSIONAL MEETING ON THE QUOTA SYSTEM AT THE HEADS OF DELEGATION LEVEL.

4. COMMITTEE II (TERRITORIAL SEA, STRAITS, ECONOMIC ZONE) IN DEBATE ON PART V (HIGH SEAS), THE U.S. MADE IT CLEAR AGAIN THAT PRESENT SNT ON STATUS OF ECONOMIC ZONE VIS-A-VIS THE HIGH SEAS IS UNACCEPTABLE, AND THAT TO BE SUCCESSFUL A NEW TREATY MUST RECOGNIZE THE FUNDAMENTAL HIGH SEAS CHARACTER OF THE ECONOMIC ZONE FOR NON-RESOURCE PURPOSES. ALTHOUGH DELEGATIONS SPLIT ON THIS QUESTION IN THE DEBATE, THERE APPEARS TO BE INCREASED AWARENESS OF THE CRITICAL NATURE OF THIS ISSUE, AND AN UNDERSTANDING THAT THE OUTCOME MUST BE ACCEPTABLE TO THE U.S. AUSTRALIA PROPOSED THAT THE EXCLUSIVE ECONOMIC ZONE NOT BE HIGH SEAS WITH RESPECT TO COASTAL STATE RIGHTS PROVIDED FOR IN THE CONVENTION, LEAVING OPEN THE QUESTION OF OTHER HIGH SEAS RIGHTS. THIS PROPOSAL RECEIVED SOME ATTENTION AND COULD FORM THE BASIS FOR A COMPROMISE ON THE ISSUE. THE DEBATE ON ARCHIPELAGOS SAW INITIAL EFFORTS TO BROADEN THE CONCEPT TO INCLUDE COASTAL ARCHIPELAGOS AND OTHER ISLAND GROUPS (E.G. JAPAN AND U.K.), PHILIPPINES AND INDONESIA NOW SEEM FAIRLY WELL ISOLATED IN THEIR INSISTANCE ON EXCESSIVE RESTRICTIONS ON THE NAVIGATION AND OVERFLIGHT REGIMES WITHIN ARCHIPELAGIC WATERS. SOME MODERATE INTERESTED STATE (E.G., FUJI, PAPUA NEW GUINEA, AND BAHAMAS) CONFIDENTIAL

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ARE WORKING CLOSELY WITH THE MARTIME STATES TO RETAIN THE SNT WITH ONLY MINOR AMENDMENT.

5. COMMITTEE III MARINE SCIENTIFIC RESEARCH CONSULTATIONS CHAired BY AMB. BRENNAN ENDED WITH LITTLE AGREEMENT ON ISSUES OF COMPULSORY DISPUTE SETTLEMENT AND COASTAL STATE SECURITY CONCERNS. COASTAL STATE DESIRE (BRAZIL, KENYA, INDIA) TO BE ABLE TO REFUSE PROJECTS THEY CONSIDER TO IMPINGE ON SECURITY HAS PRODUCED IMPASSE IN NEGOTIATIONS. US HAS FIRMLY OPPOSED COASTAL STATES ON THIS BUT USSR HAS UNDERCUT US BY STATING WILLINGNESS TO ACCEPT RIGHT OF COASTAL STATES TO OBJECT THAT A PROJECT IS NOT CONDUCTED FOR PEACEFUL PURPOSES. CHAIRMAN YANKOV WILL CONVENE 15 HEADS OF DELEGATION TUESDAY TO ATTEMPT TO RESOLVE IMPASSE.

6. COMMITTEE III MARINE POLLUTION

VALLARTA INFORMAL CONSULTATIONS CONCLUDED AFTER DISCUSSION OF ENFORCEMENT ISSUES AND FLAG STATE PRE-EMPTION. SMALL PRIVATE NORWEGIAN CONSULTING GROUP ALSO CONCLUDED AFTER DRAFTING ENFORCEMENT ARTICLES FOR VALLARTA'S USE AND AFTER DISCUSSION OF SPECIAL AREAS. THERE WAS GENERAL WILLINGNESS TO LIMIT SPECIAL AREAS TO INTERNATIONAL REGULATIONS WITH ONLY INDIA ARGUING THAT SHE MIGHT WANT COASTAL STATE REGULATIONS.

7. DISPUTE SETTLEMENT: ZULETA HELD MEETING WITH U.S., CHILEAN, AUSTRALIAN, AND DUTCH DELEGATES TO DISCUSS CDS PROCEDURES. DURING DISCUSSION, ZULETA SAID AMERASINGHE WOULD PROBABLY CONSULT WITH KEY DELEGATIONS PRIOR TO ISSUING CDS TEXT AND UNLIKELY THAT THERE WOULD BE PLENARY DISCUSSIONS ON REVISED TEXT THIS SESSION. ZULETA ALSO INDICATED THAT AMERASINGHE IS CONTEMPLATING A SINGLE TRIBUNAL WHICH WOULD HAVE TWO CHAMBERS, ONE FOR SEABED AND ONE FOR OTHER LOS MATTERS.
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